

STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

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GOVERNOR

Secretary

September 4, 1998

To:

Group Leaders

From:

Charles W. Brown, PE, RLS /

State Location & Surveys Engineer

Subject:

Conservation Easements

The North Carolina Department of Transportation, in conjunction wit the North Carolina Wildlife Resources Commission (WRC), is acquiring permanent conservation easements for stream mitigation, and possibly soon for red cockaded woodpecker habitat as well. Most of these easements will probably not be adjacent to ongoing highway projects, but will be associated with stream mitigation permits for ongoing highway projects. These easements are being established on private property by NCDOT and monitored by WRC. The property owners will have already agreed to participate, assuming a satisfactory price can be negotiated by the Right Of Way Branch. NCDOT will be responsible for the maintenance for the first 5 years, and WRC for at least the next 10 years.

The Unit management has established certain guidelines for you to follow when L&S is requested to be involved in the development of these easements. These guidelines are discussed below for your review and direction.

We will be requested by the Planning & Environmental Branch to provide a recordable plat of the easement. If necessary, this may include an access easement. The request will give TIP and project number reference. With the request, we should receive a signed right of entry form, and the property owner's name and address and telephone number (if available). We will also receive a sketch of the easement, showing any exceptions or other pertinent information, along with the name and telephone number of the WRC contact person.

We will use private surveying firms for this whenever possible. This is not to exclude you from this activity, but it is felt that the private surveyor will be more familiar with the preparation on plats and the county's recordation rules. Either we or the WRC person, upon contacting the property owner, should determine if the property has been recently surveyed. If so, contact that surveyor. If not, find out if the property owner has a

preference for the surveyor. *Only as a last resort should you yourself select a surveyor*. We will be using purchase orders to pay for these, and not advertising. It is crucial that you make the selection of surveyors as objective as possible. Use of our contracted PEF's is allowable if needed or desired by the property owner. As in any case involving contracted work, notify the PEF Section prior to any negotiations.

At the site, review the easement with the WRC contact to ensure that we know the intent. The WRC person will have staked the easement for viewing, but each flag location may not necessarily indicate a bend in the line. Make certain any exceptions or stream access points are located on the ground.

Following review of the site with the WRC representative and selection of the surveyor, you will scope the project and negotiate the price with the surveyor. NCDOT will require at minimum a preliminary plat, showing the easement boundary and acreage. This plat should also show the stream location and any permanent structures inside the easement. This preliminary plat will be given to the Right of Way Agent for use in negotiating the price of the easement. If it is necessary to establish property boundaries in order to map the easement, then that should be included in the cost. However, NCDOT is not in the business of paying for property surveys. We do not want and will not pay for a map of the entire property unless special circumstances warrant.

Once a settlement has been reached, we will want a final plat, according to G.S. 47-30 as amended. This will include the setting of monuments (iron pins and caps, and carsonite witness posts) at all corners, and limited clearing of the line at WRC's request. We will have new caps made up that say "State Of North Carolina Conservation Easement" or something similar, and new witness posts. If there are NCGS or other grid monumentation within 2000' (as per G.S. 47-30), that can be used to tie this to the NC State Plane. If not, we or the surveyor should establish monumentation for that purpose. All of these easements should be on the NC State Plane Coordinate System. The plat will be turned over to the Right of Way Agent for recordation and a copy given to L&S Property Surveys Section for establishment of a property file. Either the surveyor of the L&S field office will be required to create a .DGN file of the boundary. Along with the plat, this should be sent to the Right of Way Agent and L&S Property Surveys Section. The .DGN file should also be sent to P&E (Permits and Mitigations - the requesting Unit),

Along with the final plat, NCDOT will provide an aerial photo of the site at the time of the establishment of the easement. Sometimes after the easement establishment is definite, you will need to contact Photogrammetry and let them know the location. A copy of the plat with the vicinity and a latitude/longitude of the site should suffice. At some time following the request Photogrammetry will provide a contact print to WRC, for their files.

In review, we will be given:

- Property owner name, address, and telephone number
- WRC Contact person's name and telephone number
- Signed Right Of Entry form
- A sketch of the easement

We will provide at minimum a preliminary map of the easement, with the intent to provide a final map according to G.S. 47-30.

If the easement is obtained, we will provide:

- A final, recordable map of the easement, including an access easement if necessary. This map will have NC State Plane grid ties
- A coordinately correct .DGN file of the easement boundary.
- Ground monumentation set at all corners
- Cleared line at the request of WRC
- An aerial photo (contact print size) of the site

These guidelines are to used as guidelines only. There are always special considerations. If you question the intent of the easement as flagged, contact the WRC contact person. If there is any question as to procedure, please do not hesitate to contact me or your Area Engineer for assistance. If you have questions concerning the selection of a surveyor or negotiations, contact the PEF Group immediately. It's better to ask than to be uncertain.

Thank you for your assistance in this new procedure.

CWB

cc: Mr. D. R. Morton, PE
Mr. R. L. Hill, PE
Mr. Bill Gilmore, PE
Mr. John Williamson
Mr. Cecil Hinnant
L&S Area Engineers